



09-05-08

IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/711,255
Filing Date	09/04/2004
First Named Inventor	Stanley C. Antosh
Art Unit	1611
Examiner Name	Joseph S. Kudla
Total Number of Pages in This Submission	3
Attorney Docket Number	42160.008

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROZSA LAW GROUP LC		
Signature			
Printed name	Thomas I. Rozsa		
Date	9-4-2008	Reg. No.	29,210

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Thomas I. Rozsa	Date	9-4-2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1 Attorney's Docket No.:41260.008



PATENT

3 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In the Application of:

) Group Art Unit No. 1611

6 Stanley C. Antosh and)
Anthony J. Meduri)

) Examiner:
Joseph S. Kudla

8 Serial No.: 10/711,255)

) Telephone: (571) 270-3288

9 Filed: 09/04/2004)

11 For the Invention of:

12 THE USE OF METHYL PYRUVATE OR)
METHYL PYRUVIC ACID FOR THE)
TREATMENT OF DISEASES OF THE)
NERVOUS SYSTEM AND FOR PROTECTING)
A HUMAN CENTRAL NERVOUS SYSTEM)
AGAINST NEURONAL DEGENERATION)
CAUSED BY DEFECTIVE INTRACELLULAR)
ENERGY PRODUCTION)

17 Mail Stop Amendment
Commissioner for Patents
18 P.O. Box 1450
Alexandria, VA 22313-1450

20 RESPONSE TO SUPPLEMENTAL REQUIREMENT ON
21 RESTRICTION REQUIREMENT

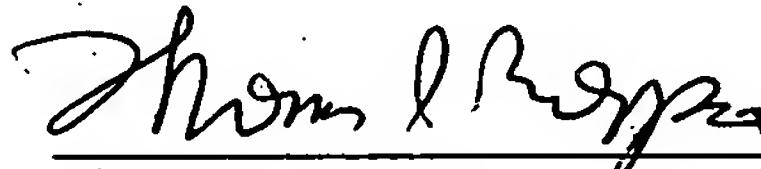
23 1. The Office Action of August 8, 2008 on the above-referenced Application Serial
No. 10/711,255 (hereafter the "255 Application") is hereby acknowledged. The shortened
statutory period of one (1) month time period for response to this Office Action expires on
September 8, 2008. This Response To Restriction Requirement is being mailed by Express Mail,
Mail Label No. EM 217940798 US, addressed to Mail Stop Amendment, Commissioner for
Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 4, 2008. Therefore, this

1 Response is timely filed. In the event that the Commissioner for Patents should determine that
2 any extension of time is required for this Response to be timely filed and an appropriate fee is
3 due for that extension of time, then the Commissioner for Patents is hereby authorized to charge
4 Deposit Account Number 18-2222 for such appropriate fee.

5
6 2. The Applicants points out that the Applicants did elect (3) on Claims 39 and 40 in
Paragraph 4 of their reply filed on 7/11/08 and elected creatine analogs which can act as
7 reversible or irreversible inhibitors of creatine kinase. The election was made with traverse.
8 Since the Examiner stated in the Office Action of 08/08/2008 that the Applicants also have to
9 elect the creatine analog, the Applicants hereby elect cyclocreatine in Claims 39 and 40. This
election is also made with traverse.
10

11 Respectfully submitted,
12

13 Date: September 1, 2008



14 Thomas I. Rozsa
Registration No. 29,210

15 Customer No. 021907
16 Telephone (818) 783-0990
Facsimile (818) 783-0992

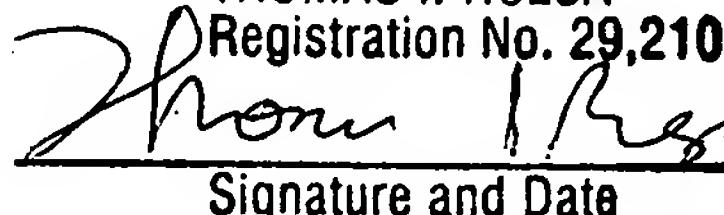
17 ROZSA LAW GROUP LC
18757 Burbank Boulevard, Suite 220
18 Tarzana, California 91356-3346

19 I hereby certify that this correspondence
20 is being deposited with the United States
Postal Service as Express Mail in an envelope
21 addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
22

23 Date of Deposit _____
Express Mail No. EM 2179510498US

24 THOMAS I. ROZSA

Registration No. 29,210


Signature and Date

25 rest.antosh.008
26
27
28